

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1832 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and

MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RASULMIYA DOSUMIYA SIPAI

Versus

STATE OF GUJARAT

Appearance:

MR PK PAREKH for Petitioners
MR K.A.Mehta AGP for Respondent No. 1 and 2
MR AMIT M PANCHAL for Respondent No. 3
Mr.R.M.Chhaya,for the interested persons

CORAM : MR.JUSTICE N.J.PANDYA and
MR.JUSTICE S.D.PANDIT

Date of decision: 05/08/96

ORAL JUDGEMENT(Per:Pandya.J)

By filing this petition, the petitioners want to quash and set aside the impugned acquisition iproceedings

relating to the laying of approach road iwhich has a direct bearing on the regular road which is to lead from Paten to Deesa.

2. By the time the petition came to be filed, the acquisition proceedings have reached upto the stage of passing an award dated 27.12.83 which is produced at Annexure.D to the petition.

3. The main ground of challenge against the acquisition proceedings is that the requirements of the acquisition proceedings are not complied with. The acquisition proceedings were initiated by respondent no.1 State through respondent no.2-Spl.Land Acquisition Officer for the purpose of respondent no.3-District Panchayat, Mehsana.

4. In response to the Rule issued, on behalf of respondent no.2, one Shri C.M.Trivedi has filed affidavit in reply, in which non compliance of the requirements of acquisition proceedings has been dealt with. Parawise reply to the averments made in the petition has been filed from page 46 onwards and more particularly para 4 to para 8 of the reply deal with the aforesaid situation. If one goes through the annexures to the petition, one will find that that petitioner no.1 had filed objection dated 26.4.83 making grievance about the acquisition.

5. In the objection at Annexure.B page 22 more than once the petitioner no.1 contends that the lands in question are sought to be acquired for the benefits of one or two individuals only out of jealousy. No where from this objection we find that any grievance having been made about the non compliance of the acquisition proceedings.

6. The intention of the Government seems to be to acquire the land of somebody to the disadvantage of the other because of the road alignment and thus the stretch of land to the northern side of railway line be made use of as per the petitioner.. However, from the affidavit in reply of respondent no.2 we find that proposals as to change of alignment or acquiring land bearing other survey numbers were also considered as it involved change of original alignment of the road but the Government in the P.W.D. did not agree.

7. In the circumstances, we do not find any substance in the grievance made in the petition. Therefore, the petition fails and the same is dismissed.

Interim relief granted earlier stands vacated. Rule
discharged.

(N.J.Pandya.J)

(S.D.Pandit.J)